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FIFTH DISTRICT COURT  
2007 APR 27 PM 4:58  
WASHINGTON COUNTY

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IN THE FIFTH JUDICIAL DISTRICT COURT  
WASHINGTON COUNTY, STATE OF UTAH

WENDELL MUSSER, individually and as  
natural parent and general guardian of LEVI  
JAMES MUSSER, a minor,

Plaintiffs,

vs.

WARREN STEED JEFFS, LYLE JEFFS  
and DOES I-V,

Defendants.

COMPLAINT

Civil No. 070500940

Judge *Sumate*

Plaintiff, Wendell Musser, individually and as natural parent and general guardian of Plaintiff  
Levi James Musser, a minor, alleges, by and through counsel, the following against Defendants,  
Warren Steed Jeffs, Lyle Jeffs and Does I through V.

PARTIES, JURISDICTION AND VENUE

1. Wendell Musser is a resident of the State of Idaho.

2. Levi James Musser, who is the natural son of Wendell Musser, was born on July 30, 2005 in Washington County, Utah. His current location and state of residence are unknown.
3. Warren Steed Jeffs is a resident of Washington County, Utah.
4. Lyle Jeffs, who is the brother of Warren Jeffs, is believed to be in hiding. His state of residence is unknown.
5. The Doe Defendants, whose identities are not yet known, are believed to be in hiding. Their states of residence are unknown.
6. This Court has jurisdiction pursuant to Utah Code sections 78-3-4, 78-27-24 and 78-33-1 and venue is proper in this Court pursuant to Utah Code section 78-13-7.

### INTRODUCTION

7. Wendell Musser was born and raised in the "Work" or "Priesthood Work" as embodied in the United Effort Plan Trust ("UEP Trust") and, after approximately 1991, also the Fundamentalist Church of Jesus Christ of Latter Day Saints ("FLDS Church").

8. At times material hereto, Warren operated the Priesthood Work, the UEP Trust and the FLDS Church indistinguishably as a single enterprise or common concern and they are, therefore, often referred to herein interchangeably.<sup>1</sup>

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<sup>1</sup> On May 27, 2005, Warren was suspended as a Trustee of the UEP Trust and on October 25, 2006, he was removed as Trustee and President of the Trust by the Honorable Denise P. Lindberg of the Third Judicial District Court. See In the Matter of the United Effort Plan Trust, (Dated November 9, 1942, Amended April 10, 1946, and Amended and Restated on November 3, 1998); and its Trustees, Including Known Trustees Truman Barlow, Warren Jeffs, Leroy Jeffs, Winston Blackmore, James Zitting and William E. Musser a/k/a William E. Timpson and Doe Trustees I Through IX, Civil No. 053900848.

9. Beginning in the late 1990s as the result of incapacitating strokes suffered by Warren's father, Rulon Jeffs, the Work came under Warren's control. Warren gradually claimed the role of being his father's "mouthpiece."

10. After his father's death in 2002, Warren falsely proclaimed he was the prophet and thus became the President of the FLDS Church and the President of the UEP Trust.

11. Notwithstanding the fact that Warren represented and held himself out as the prophet of God, he knew that he was not and never had been the prophet.

12. Warren, however, did not disclose this to the FLDS people and, at all times material hereto, continued to conceal this fact from them in order to satisfy his own purposes.

13. As the self-proclaimed Prophet, Warren's control over the Work and the FLDS people was absolute. For example, Warren taught that all FLDS women and children belong to the Priesthood Work and are subject in every respect to the commands of the prophet.

14. During his reign, Warren has assigned women and children to himself and to the stewardship of certain male participants in the Work for the purpose of furthering the unlawful and constitutionally unprotected practice of polygamy based on his teaching that in order to go to Heaven, a woman and her children must be assigned by the Prophet to a man who has been given at least three wives.

15. In pursuit of this unlawful practice, Warren used his power as the Prophet and President of both the FLDS Church and the UEP Trust to expel scores of men from their families and homes so that their wives and children could be reassigned to him or other men.

16. In this manner, since 2002, Warren has systematically injured hundreds of children in closed and isolated FLDS communities where there are none of the judicial safeguards and due process protections normally afforded to children and their parents in divorces, adoptions or in the severance of parental rights.

### GENERAL ALLEGATIONS

17. When Wendell was 19 years old, Warren, as the prophet, instructed him to enter into a spiritual marriage with 17-year-old Vivian Barlow, who had been born and raised in the FLDS community of "Short Creek," consisting of Hildale, Utah and Colorado City, Arizona.

18. On April 1, 2004, Warren performed Wendell and Vivian's "spiritual marriage," without a marriage license, in a room at the Holiday Inn Express in Kanab, Utah.

19. Warren also commanded Wendell and Vivian to multiply and replenish the earth and to raise up good priesthood children.

20. For the next 20 months, Wendell and Vivian lived in homes in Short Creek. During this time, Wendell and Vivian found that they were compatible and fell in love.

21. On July 30, 2005, Levi Musser was born to Wendell and Vivian in Hildale, Utah, as shown on the Utah Birth Certification attached as Exhibit A. Warren, Lyle and the Doe Defendants (collectively the "Defendants") were aware of the birth and know Levi is Wendell and Vivian's son.

22. In December of 2005, Warren instructed Wendell and Vivian immediately to leave Short Creek with their minor son, Levi, for a mission in which Wendell would become a courier for Warren and a caretaker of several of Warren's "spiritual wives."

23. Over the next seven months, Wendell and his family lived in secret homes located in Williamsburg, Florence and West Cliff, Colorado assisting those of Warren's wives who resided at those locations.

24. Under the stress of being one of Warren's couriers and the caretaker of several of his wives, Wendell occasionally drank alcohol and unfortunately was arrested for driving under the influence of alcohol. That mistake was enough for the Prophet, to separate Wendell from his family.

25. Warren's brother, Lyle, an FLDS Church leader and agent for Warren, informed Wendell that the Prophet had declared that Wendell had lost his priesthood and that he was to leave his family, return to Short Creek and write letters of repentance to Warren.

26. Wendell immediately returned to Short Creek, as commanded, wrote letters repenting and attempted to contact Warren about his family by telephone, but was only able to get through to Lyle who told Wendell that he could not speak with the Prophet.

27. Wendell begged Lyle to be allowed contact with his family, but Lyle told Wendell that the Prophet had instructed that Wendell could not have any contact or communications with them. Within a few days of returning to Short Creek, Lyle further informed Wendell that since he did not have the priesthood, the Prophet has commanded that Vivian and Levi were no longer his.

28. At that point, Wendell immediately began searching for his family, going to various secret locations in Colorado, including the homes in Williamsburg, Florence and West Cliff, but each home was vacant. His family and Warren's wives had already been moved and placed in other unknown locations. As a result, Wendell has not been able to find his family.

29. Wendell's family would not have been moved and secreted away without Warren's knowledge and instruction and, on information and belief, without the knowledge and assistance of Lyle and the Doe Defendants who have acted as agents for Warren.

30. Levi and Vivian's location is within the knowledge or control of the Defendants who also have control over where they are placed and with whom they may have contact.

31. Since Wendell was expelled from the FLDS community in June of 2006, the Defendants have prevented him from seeing or having any contact with Levi and Vivian.

32. After investigating every known hiding place in an effort to find his family, Wendell has now written to Warren at the Purgatory Correctional Facility in Utah, asking for contact information and to be allowed to see his family. Warren has not yet responded.

33. Wendell believes and fears that he was commanded to leave and repent at a distance so that Warren could reassign Vivian to another man against her will and have his son, Levi, "spiritually adopted," thus, effectively severing parental rights without the judicial safeguards and due process protections normally afforded children and parents.

34. Wendell loves Levi and Vivian and wants to be with them and Levi and Vivian love Wendell and want to be with him.

35. The Defendants' respective actions in expelling Wendell from the FLDS community, severing him from his family, hiding and preventing him access to his family have alienated Wendell from Levi and Vivian and deprived Wendell of the ability to support Levi financially and raise him with Vivian.

36. Wendell is committed to meeting all of the obligations he has as the natural father of his minor son, Levi, including meeting Levi's:

a. financial needs in the form of either full financial support if Wendell can be reunited with his family, as he desires, or child support in the event he cannot;

b. daily needs in the form of food, shelter, clothing, care, supervision, discipline and transportation;

c. educational needs in the form of schooling, support of school activities and help with school work;

d. health care needs for medical and dental appointments and emergencies, as well as the payment of medical insurance and non-insured medical expenses;

e. parenting needs in the form of making decisions with Vivian regarding all major issues affecting Levi; and

f. nurturing, developmental, relational and emotional needs.

37. To meet these basic parental obligations and legal duties, Wendell must, at a minimum, know Levi and his mother's physical location, address and telephone numbers, as well as all other information pertinent to communicating and meeting with them to address Levi's needs.

**FIRST CAUSE OF ACTION  
ALIENATION OF AFFECTIONS AND  
INTERFERENCE WITH PARENTAL OBLIGATIONS**

38. Plaintiffs incorporate by reference the other allegations in the Complaint as if fully set forth herein.

39. Wendell, individually and on behalf of his minor son, Levi, asserts this cause of action based on the Defendants' alienation of the affection between Wendell and Levi and the Defendants' interference with basic parental obligations, and in good faith request that the Courts of the State of Utah recognize and enforce this cause of action.

40. Wholly ignoring the natural and loving parent-child relationship existing between Wendell and Levi, the Defendants intentionally cut Wendell off from Levi, kept Levi's location secret, and alienated the relationship Wendell and Levi enjoyed with each other causing them to suffer a loss of parent-child financial support, obligations, companionship, comfort, society, consortium, nurturing, guidance, support, duty and affection.

41. The Defendants' conduct was the controlling cause of the injury to the parent-child relationship and outweighs the combined effect of all other causes, if any, including the actions of Wendell and Levi.

42. As a direct and proximate result of the alienation of affections alleged herein, the Defendants severely injured Wendell and Levi and are liable to them for both general and special damages in amounts to be determined at trial.

**SECOND CAUSE OF ACTION  
INFLICTION OF EMOTIONAL DISTRESS**

43. Plaintiffs incorporate by reference the other allegations in the Complaint as if fully set forth herein.



44. The Defendants intentionally and purposefully expelled Wendell from his family, home and community and have separated Levi from his father to perpetuate the illegal practice of polygamy.

45. Any reasonable person would have known that expelling Wendell from his family, home and community and separating Levi from his father would result in Wendell and Levi experiencing serious emotional distress.

46. The Defendants' conduct, as alleged herein, is outrageous and intolerable in that it offends society's generally accepted standards of decency and morality in at least the following respects:

a. Despite knowing the natural and obvious bond and affection that exists between Wendell and his family and Levi and his father, the Defendants cut off Wendell from his son and family and Levi from his father and expelled Wendell from his community and culture into a world of which he knew little and for which he was unprepared and deprived Levi of his father's support;

b. The Defendants expelled Wendell and have maintained the separation of Levi from his father despite Wendell's non-delegable responsibility to provide support for his son;

c. The Defendants' sole purpose in expelling Wendell and in maintaining the separation of Levi from his father was to perpetuate and preserve the illegal practice of polygamy, a practice condemned in society as offending basic standards of morality; and

d. The Defendants' actions in expelling Wendell and maintaining the separation of Levi from his father have caused serious economic and non-economic harm to Levi resulting in a burden on society.

47. At the very least, the Defendants should have known that their conduct in expelling Wendell and separating Levi from his father would result in Wendell and Levi experiencing serious distress, which might result in illness or bodily harm, and therefore acted negligently in carrying out the expulsion and maintaining the separation.

48. As a direct and proximate result of the Defendants' negligent and intentional actions alleged herein, Wendell and Levi have suffered severe emotional distress, and the Defendants are therefore liable to them for both general and special damages in amounts to be determined at trial.

### **THIRD CAUSE OF ACTION INVASION OF PRIVACY**

49. Plaintiff incorporates by reference the other allegations in the Complaint as if fully set forth herein.

50. As alleged more fully above, the Defendants have intentionally and substantially intruded upon the solitude and seclusion of Wendell and Levi by tearing them away from each other and in maintaining their separation.

51. The Defendants thus aggressively interjected themselves into and disrupted the most private of personal affairs: one's home and family.

52. Such an intrusion would be highly offensive to any reasonable person.

53. As a direct and proximate result of the invasion of privacy alleged herein, the Defendants have severely injured Wendell and Levi and are liable to them for both general and special damages in amounts to be determined at trial.

#### **PUNITIVE DAMAGES**

54. Plaintiff incorporates by reference the other allegations in the Complaint as if fully set forth herein.

55. The Defendants' conduct, as alleged in this Complaint, was willful and malicious and/or manifested a knowing and reckless indifference toward, and a disregard of, the rights of Wendell and Levi, therefore, Wendell and Levi are entitled to punitive damages from the Defendants in an amount to be awarded at trial.

#### **DECLARATORY RELIEF**

56. Plaintiff incorporates by reference the other allegations in the Complaint as if fully set forth herein.

57. Wendell and Levi have legally protected interests in being able to seek and continue a parent-child relationship and, at a minimum, Wendell has an interest in knowing Levi's physical location and contact information.

58. This Court has jurisdiction over the parties to this action and authority, pursuant to Utah Code section 78-33-1, to declare their rights and legal relations, and this Court's determination is necessary to terminate the controversy as to Wendell and Levi's legally protected right to a parent-child relationship.

59. Specifically, this Court should declare that the Defendants had and have no right to prevent or interfere with the legally protected relationship between Wendell and Levi.

60. The actions of the Defendants have created justiciable controversies in that for nearly a year, the Defendants have prevented and interfered with the relationship between Wendell and Levi and have withheld from Wendell the physical location and contact information of his son, which information is within the Defendants' knowledge or control.

61. The actions of the Defendants have further created justiciable controversies between the Defendants and others in that the Defendants' expulsion of men from their homes and natural children results in injuries capable of repetition, yet evading review because minors, like Levi, lose the financial support, obligations, companionship, comfort, consortium, support, duty and affection of their natural fathers and are not capable of petitioning for and obtaining relief.

62. The interests of Wendell and Levi in having a parent-child relationship and the interests of Wendell in knowing his son's location and contact information, and providing support are adverse to the interests of the Defendants in preventing the same and outweigh the Defendants' interests, which are contrary to law, in furthering the unlawful and constitutionally unprotected practice of polygamy.

63. These issues are ripe for determination because the Defendants have and continue to prevent and interfere with the relationship between Wendell and Levi and continue to withhold from Wendell his son's and his son's mother's location and contact information.

64. Wendell and Levi are entitled to a declaratory judgment, pursuant to Utah Code section 78-33-1 *et seq.* and Rule 57 of the Utah Rules of Civil Procedure, that:

a. The Defendants had and have no right to prevent or interfere with the legally protected relationship between Wendell and Levi.

b. The Defendants had and have no right to withhold from Wendell the physical location and contact information of Levi and his mother because that information is within their knowledge or control.

c. The Defendants must not interfere with the legally protected relationship between Wendell and Levi.

d. The Defendants must provide Wendell with the physical location and contact information of Levi and his mother.

65. Wendell has the right, as provided in Utah Code section 78-33-8, to petition this Court for supplemental relief and court orders as may be necessary.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Wendell Musser, individually and as natural parent and general guardian of Plaintiff Levi Musser, requests separate judgments in his favor and in Levi's favor against the Defendants for the following:

a. Damages in the amount commensurate with injuries to person, property and relations, including all special and general damages;

b. Punitive damages;

c. A declaratory judgment, pursuant to Utah Code section 78-33-1 *et seq.* and Rule 57 of the Utah Rules of Civil Procedure, that:

i. The Defendants had and have no right to prevent or interfere with the legally protected relationship between Wendell and Levi.

ii. The Defendants had and have no right to withhold from Wendell the physical location and contact information of Levi or his mother.

iii. The Defendants must not interfere with the legally protected relationship between Wendell and Levi.

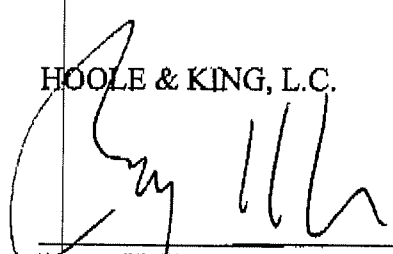
iv. The Defendants must provide Wendell with the physical location and contact information of Levi and his mother.

d. Costs, expenses and post-judgment interest;

e. Any other relief that the Court deems just and equitable.

Dated this 24 day of April, 2007.

HOOLE & KING, L.C.



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Roger H. Hoole  
Gregory N. Hoole

**EXHIBIT "A"**

CERTIFICATION OF VITAL RECORD

UTAH CERTIFICATION OF LIVE BIRTH

Levi James Musser

Sex of Child: Male

Date of Birth: July 30, 2005

Birth Weight: 06 Lbs 04 oz

Time of Birth: 15:45

City of Birth: Hilldale

County of Birth: Washington

Birth Attendant: Martha Barlow, CNM

Place of Birth: Hilldale Maternity Home

Vivian Barlow  
Mother's Maiden Name

Mother's Date of Birth: April 13, 1987

Mother's Place of Birth: Utah

Resident City: Colorado City

Resident State/Country: Arizona

Wendell Roy Musser  
Father's Name

Father's Date of Birth: August 12, 1984

Father's Place of Birth: Utah

Date of Registration: August 17, 2005

SSA Card Requested: Yes

Date of Amendment:

State File Number: 2005 32171

DATE ISSUED: December 14, 2006

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*Barry E. Nangle*  
Barry E. Nangle  
State Registrar



\* 061047894 \*

UTAH DEPARTMENT OF HEALTH  
Office of Vital Records & Statistics  
Salt Lake City, Utah

